

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBERT ANDREW WERMUTH,  
#189991,

Plaintiff,

SHANNON CARROL YOUNGBLOOD,  
et al.,

Defendants.

Case No. 2:05cv644

AFFIDAVIT OF SHANNON CARROL YOUNGBLOOD

STATE OF ALABAMA )

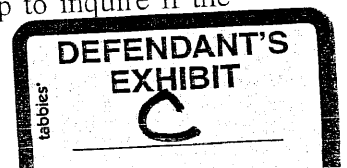
COUNTY OF MONTGOMERY )

Before me, a Notary Public in and for said State and County, personally appeared **Shannon Carrol Youngblood** and, after first being duly sworn by me, did depose and state as follows:

My name is Shannon Carrol Youngblood and I am over nineteen (19) years of age. I am currently employed as a Sergeant with the Montgomery Police Department and assigned to Third Shift Patrol.

On Tuesday, September 30, 2003 at approximately 3:45 a.m., Officers Welch and Deramus responded to the Kwik Shop located at 565 N.E. Boulevard on a possible stolen vehicle, a red Jeep Cherokee. When Officer Welch approached the vehicle and asked the individual (later identified as the Plaintiff, Robert Andrew Wermuth) to step out of the vehicle, Mr. Wermuth sped off dragging Officer Welch a short distance and causing physical injury to Officer Welch.

I was traveling east on Atlanta Highway when I observed a red Jeep Cherokee occupied by one subject traveling west on Atlanta Highway. When I turned around to catch up with the vehicle, the vehicle increased his speed and began making quick turns onto side streets without slowing down or stopping first. I ran a check with dispatch to see if the Jeep was stolen and was advised that it did not come back as being stolen. I then had dispatch contact the owner of the Jeep to inquire if the

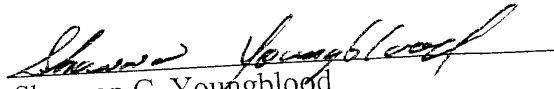


vehicle was stolen or if they knew where their Jeep was and who was driving it. I also inquired if there were any other charges against the driver of the Jeep (later identified as the Plaintiff, Robert Andrew Wermuth) other than the misdemeanor charge of Theft 3<sup>rd</sup>. I was advised by Officer Welch that the driver was also wanted in reference to a code 26 (hit and run) with a police vehicle and also for striking a police officer.

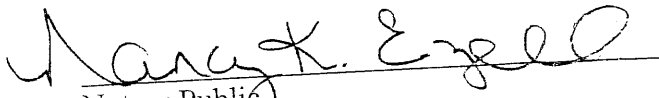
The Jeep turned onto Interstate 85 traveling toward Day Street and another Unit (Hill and Horner) fell in behind me. At this time, I had not attempted to stop the vehicle. As the Jeep approached the I-85/I-65 interchange, I attempted to initiate a traffic stop using both my lights and sirens but the Jeep continued onto Day Street. The Jeep continued to ignore my attempts to pull him over, turning on neighborhood streets, approaching speeds of 55 mph. As the jeep turned left onto Rosa L. Parks Avenue, I then asked a rear unit to call the pursuit and 310 (Hill and Horner) began to call the pursuit. The Jeep traveled on Rosa L. Parks Avenue to Mildred Street when it turned left traveling to S. Holt Street when it turned left traveling back toward Day Street. The Jeep turned right onto Day Street traveling west crossing over Oak Street. As the Jeep approached Hill Street, I attempted to slow as the vehicle began to turn left onto Hill Street; however, the brakes on my unit failed to stop my vehicle at which time I struck the red Jeep. The Jeep was able to continue across Day Street on Hill and I was able to get my vehicle stopped in the turning lane from Hill Street onto Day Street by using my emergency brake. I did not rejoin the pursuit.

The pursuit continued on to Hill Street turning onto Carlisle Street and stopping on Garland Street where the suspect was taken into custody. Unit 312 (Officers Calhoun and Barrier) responded to my location and completed an accident report for my vehicle (attached hereto as Exhibit A). Attached hereto as Exhibit B is a memorandum dated 09-30-2003 from me to Lt. R. F. Byrne which memorializes my involvement in the pursuit involving the Plaintiff, Robert Andrew Wermuth.

Further affiant saith not.

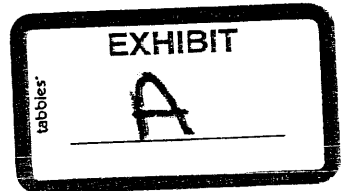
  
Shannon C. Youngblood

SWORN to and SUBSCRIBED before me this the 23 day of August, 2005.

  
Notary Public

My commission expires 2-8-08

LOCATION AND TIME		DRIVER		VEHICLE		DRIVER		VEHICLE		DRIVER		VEHICLE		DRIVER		VEHICLE		DRIVER		VEHICLE					
Date	9/30/2003	Time	0411 PM	Day of Week	MO	County	Montgomery	City	Montgomery	Highway Classification	State	Local Zone	12	Driver Full Name	Robert Andrew Wermuth	DL Class	DL Status	List Restrictions	Not Complied With	CDL Status	List Endorsements	Not Complied With	Residence Less Than 25 Miles	Yes	No
On Street, Road or Highway	Hill St.	At Intersection of or Between (Node 1)	Day St.	Node (Node 2)	LD-00	Feet	27	From	1	Node (Node 2)	1	Node (Node 2)	1	Driver License No.	9131922	DL State	DL Status	List Restrictions	Not Complied With	CDL Status	List Endorsements	Not Complied With	Residence Less Than 25 Miles	Yes	No
Intersection Related	1 - Node 1	2 - Node 2	1 - WIA	Control Access	1 - Main Rd	2 - Frontage Rd	3 - Interchange	4 - Entrance Ramp	5 - Exit Ramp	6 - N/A	Unit 1 Type	Unit 2 Type	Unit 3 Type	First Harmful Event	20	Event Location	1	Distance to Fixed Object	3 FT.	No. of Vehicles	No. Pedestrians	No. Injured	No. Fatalities	Unit 1 Type	Unit 2 Type
Vehicle Towed By Whom	N/A	Speed Limit	25 MPH	Est. Speed	99 MPH	Citation Offense Charged	None	Damage Severity	1 - None Visible	2 - Not Disabled	3 - Disabled	4 - Towed	5 - Occupants in Unit	6 - Total Injuries in Unit	7 - Enter Point of Initial Impact	8 - Attachment	9 - Circle areas Damaged On Diagram	10 - Under Carriage	11 - Attachment	12 - Enter Point of Initial Impact	13 - Attachment	14 - Circle areas Damaged On Diagram	15 - Under Carriage	16 - Attachment	
Date	7/24/1969	Time	0100	Day of Week	W	County	Montgomery	City	Montgomery	Highway Classification	State	Local Zone	12	Driver Full Name	Shannon Carroll Youngblood	DL Class	DL Status	List Restrictions	Not Complied With	CDL Status	List Endorsements	Not Complied With	Residence Less Than 25 Miles	Yes	No
On Street, Road or Highway	Hill St.	At Intersection of or Between (Node 1)	Day St.	Node (Node 2)	LD-00	Feet	27	From	1	Node (Node 2)	1	Node (Node 2)	1	Driver License No.	6260532	DL State	DL Status	List Restrictions	Not Complied With	CDL Status	List Endorsements	Not Complied With	Residence Less Than 25 Miles	Yes	No
Intersection Related	1 - Node 1	2 - Node 2	1 - WIA	Control Access	1 - Main Rd	2 - Frontage Rd	3 - Interchange	4 - Entrance Ramp	5 - Exit Ramp	6 - N/A	Unit 1 Type	Unit 2 Type	Unit 3 Type	First Harmful Event	20	Event Location	1	Distance to Fixed Object	3 FT.	No. of Vehicles	No. Pedestrians	No. Injured	No. Fatalities	Unit 1 Type	Unit 2 Type
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SEATING		VICTIMS		N/A		CODES		NARRATIVE AND DIAGRAM		ROADWAY ENVIRONMENT		INVESTIGATION																											
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To : Lt. R. F. Byrne

From : Sgt. S. C. Youngblood

Date : 09-30-2003

Subject : Vehicle Pursuit/Vehicle Accident (388)

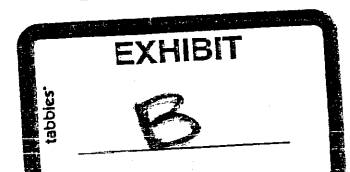
On Tuesday, 09-30-2003 at approximately 0345 hours, unit 322 (Welch and Deramus) themselves out at 565 N. E. Blvd. (Kwick Shop) on a possible code 23 of a red Jeep Cherokee that took off from the store when they attempted to stop it, knocking Pof. Welch to the ground and striking unit 322's marked patrol vehicle. I was traveling east on Atlanta Hwy. when I observed a red Jeep Cherokee traveling west on Atlanta Hwy. occupied by one subject.

When I turned around to catch up with the vehicle, the vehicle sped up. The vehicle turned left onto California St. then with out stopping, turned right onto Mt. Meigs Rd. traveling west on Highland Av. turning south onto Forrest Av. I inquired with channel one to see if the Jeep was stolen. Channel one advised that the vehicle did not come back as being stolen. I then had channel one contact the owner of the Jeep to inquire if the vehicle was stolen or if they knew where their Jeep was. I inquired if unit 322 had any other charges other than the misdemeanor charge of Theft 3<sup>rd</sup>. at which time Pof. Welch stated that the driver was also wanted in reference to a code 26 with a police unit and striking a police officer.

The Jeep turned onto I-85, traveling toward Day St. as unit 310 (Hill and Horner) fell in behind this unit. At this time I had not attempted to stop the vehicle. As the Jeep approached I-85 the interchange, I attempted to initiate a traffic stop on the jeep, as it continued onto Day. St., turning right onto Day St. I advised that speeds were 50 mph as the Jeep turned right onto Oak. St. The Jeep traveled on Oak St. approaching speeds of 55 mph as it turned onto Mobile Rd. traveling to Hugh St. where it turned right traveling 40 mph. The Jeep continued on Hugh St. until it turned right onto Chappell. The Jeep continued turning left onto Hill St. toward Day. St., turning left onto Carlisle, then left onto Alma Dr. then left onto Chappell, reaching speeds of 35mph. The Jeep continued on Chappell, turning right onto Garland then left onto Mill St. crossing over Hill St. reaching speeds of 55mph. I then asked a rear unit to call the pursuit as the Jeep turned left onto Rosa L. Parks Av.

At this time, unit 310 began to call the pursuit. The jeep traveled on Rosa L. Parks Av. To Mildred St. where it turned left traveling to S. Holt St. where it turned left traveling back toward Day St. The Jeep turned right onto Day St. traveling west crossing over Oak. St. As the Jeep approached Hill St. I attempted to slow as the vehicle began to turn left onto Hill St. The brakes in unit 388 failed to stop my vehicle, at which time I struck the red Jeep. The Jeep was able to continue across Day St. on Hill and I was able to get my vehicle stopped in the turning lane from Hill St. onto Day St. by using my emergency brake. I did not rejoin the pursuit.

The pursuit continued to on Hill St. turning onto Carlisle St. and stopping on Garland St. where the suspect was taken into custody. Unit 312 (Calhoun and Barrier) responded to my location and completed an accident report for vehicle 388. I took photos



of the damage to vehicle 388 which consisted of the front bumper, passenger side marker and turn lenses broken and the driver side turn lens broken. Vehicle 388 was driven to Headquarters.

S. C. Youngblood #343  
S. C. Youngblood #343

## PURSUIT REVIEW FORM

ATE: September 30, 2003UPERVISOR: Lt. G. D. Salum #408PURSUING OFFICER(S): Sergeant S. C. Youngblood #343DEFENDANT: Robert A Wermuth, B/M, 9-13-70, 948 Garland Dr.

## DETAILS OF PURSUIT:

On 09-30-03, at approx. 0345 Unit 322, J. C. Welch #1222 & M. C. Deramus # approached a vehicle wanted for possibly being stolen and a theft in the parking lot of the Quick Shop located at 565 N. East Boulevard. The officers approached the vehicle, a red Jeep Cherokee at which time the driver, later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and striking their police vehicle, vehicle 2948. At approximately 0347 hrs, Unit 331, Sergeant S. C. Youngblood observed the vehicle and Unit 310, Hill & Horner assisted in attempting to stop the vehicle at the intersection of Day Street and Hill Street. The vehicle refused to stop and fled towards Mildred Street. The vehicle was traveling at approximately 50 mph in the areas of Oak St., Mobile Rd., to the area of Carlisle, Hill, and Garland, ending at 948 Garland Dr; where the suspect was taken into custody by K9 at 0409 attempting to flee the vehicle.

REASON FOR PURSUIT: Assault 1st Degree of a Police Officer

## CONDITIONS OF PURSUIT:

- a. Time of day: 0347 hrs
- b. Traffic Conditions: Light
- c. Weather Conditions: Good
- d. Roadway Lighting: Street Lights
- e. Vehicle Speed: 50 mph
- f. Roadway Character: Straight, level and curved. Two and four lanes.
- g. Number of MPD Vehicles Involved: 2
- h. Number of MPD Officers Involved: 3
- i. Other Agencies and Vehicles Involved: N/A
- j. Description of Offender's Vehicle:

Color: RedYear: 2001Make: JeepModel: CherokeeTag No: 3A8297CCondition: Good

Was any action taken against the suspect vehicle?

NO

What circumstances necessitated this action?

N/A

What role did assisting agencies have in the pursuit?

NONE

## Supervisor's Review and Recommendations:

The vehicle was possibly stolen, involved in a theft from the Quick Shop, 565 N. East Blvd. and the assault on a officer attempting to apprehend him. The pursuit reached speeds of 50 mph with no traffic. The risk of danger to the Public was minimal due to the time and absence of traffic. The suspect was apprehended attempting to flee the vehicle. Unit 388, driven by SGT Youngblood received minor damage to the front end when his brakes failed, striking the rear of the suspect vehicle. The pursuit was conducted within the guidelines of the Departmental Rules and Regulations.

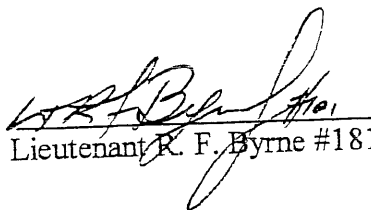
S. C. Youngblood #343G. D. Salum #408



Memorandum

To : Captain T. B. Essex  
From : Lieutenant R. F. Byrne #181  
Date : September 29, 2003  
Subject : Vehicle Pursuit

I have reviewed the pursuit form concerning the pursuit on September 29, 2003 at 0347 hours. The officers acted in accordance with the Rules and Regulations of the Montgomery Police Department. Their response was within the scope of their authority.

  
Lieutenant R. F. Byrne #181